

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PEYTON H. HEMINGWAY,

Case No. 2:16-cv-01253-GMN-PAL

Plaintiff,

v.

ORDER

GABRIEL L. GRASSO P.C.,

(Initiating Docs. – ECF No. 1)

Defendant.

This matter is before the Court on Plaintiff Peyton H. Hemingway's Initiating Documents (ECF No. 1), filed June 6, 2016. These documents are referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-7 of the Local Rules of Practice.

Mr. Hemingway is a prisoner in the custody of the Clark County Detention Center and is proceeding in this action *pro se*, which means that he is not represented by an attorney. *See* LSR 2-1. He submitted a Complaint (ECF No. 1) as part of his initiating documents, but did not pay the \$400.00 filing fee or submit an application to proceed *in forma pauperis* ("IFP"). In order to proceed in this action without paying the standard filing fee, LSR 1-1 and 28 U.S.C. § 1915 require litigants to complete an IFP application and submit the form to the Court. Additionally, LSR 1-2 and § 1915 specifically require three items be submitted to this Court with a prisoner's IFP application: (1) a financial certificate signed by an authorized officer of the institution in which he or she is incarcerated, (2) a copy of his or her inmate trust account statement for the six-month period prior to filing, and (3) a signed financial affidavit showing an inability to prepay fees and costs or give security for them.

Accordingly,


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IT IS ORDERED:

1. The Clerk of Court shall RETAIN Plaintiff Peyton H. Hemingway's Complaint (ECF No. 1-1).
2. The Clerk of the Court shall MAIL Plaintiff a blank form Application to Proceed *in Forma Pauperis* for incarcerated litigants with instructions.
3. Mr. Hemingway shall have until **August 4, 2016**, to file the Application to Proceed *in Forma Pauperis*, accompanied by a signed and executed financial certificate, a signed and executed financial affidavit, and a statement of his inmate trust account.
4. Alternatively, Mr. Hemingway shall pay the filing fee of four hundred dollars (\$400.00), accompanied by a copy of this Order, on or before **August 4, 2016**.
5. Mr. Hemingway's failure to comply with this Order by (a) submitting an Application to Proceed *In Forma Pauperis*, or (b) paying the filing fee before the **August 4, 2016** deadline will result in a recommendation to the District Judge that this case be dismissed.

Dated this 5th day of July, 2016.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE